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SUITE 102  
SAN DIEGO CA 92108

MAILED

JAN 26 2010

In re Application of :  
MURPHY ET AL. :  
Application No. 10/017,235 : ON PETITION  
Filed: December 18, 2001 :  
Attorney Docket No. 1865.1-4 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16 2009, to revive the above-identified application.


The petition is GRANTED.

The above-referenced patent application became abandoned for Applicant's failure to reply to a Final Office Action mailed March 17, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) with small entity RCE fee of \$405.00 and a submission therefor in the form of an "Amendment" in response to the Final Office Action mailed March 17, 2009, (2) the small entity petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Final Office Action is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Anthony Knight at (571)-272-3687.

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

  
Anthony Knight  
Supervisor  
Office of Petitions